

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM
(REVISED)

DEPARTMENT: PLANNING

AGENDA DATE: INTRO ON 4/12/05 AND PUBLIC HEARING ON 5/3/05

CONTACT PERSON/PHONE: Kimberly Forsyth /4631

DISTRICT(S) AFFECTED: 1 - 8

SUBJECT:

AN ORDINANCE AMENDING TITLE 20 (ZONING) OF THE EL PASO MUNICIPAL CODE, BY ADDING A DEFINED USE AT SECTION 20.02.078 (ANIMAL CREMATORY) AND AMENDING SECTIONS 20.10.040, 20.38.040, 20.40.040 & 20.42.040 (USES PERMITTED BY SPECIAL PERMIT) TO PROVIDE THAT SUCH USE BE PERMITTED BY SPECIAL PERMIT IN R-F, C-2, C-3 AND C-4 ZONING DISTRICT CLASSIFICATIONS; AND BY ADDING A DEFINED USE AT SECTION 20.02.258 (CREMATORY) AND AMENDING SECTIONS 20.38.040, 20.40.040 & 20.42.040 (USES PERMITTED BY SPECIAL PERMIT) TO PROVIDE THAT SUCH USE BE PERMITTED BY SPECIAL PERMIT IN C-2, C-3 AND C-4 ZONING DISTRICT CLASSIFICATIONS. THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE CITY OF EL PASO MUNICIPAL CODE.

BACKGROUND / DISCUSSION:

Amendment to Zoning Ordinance will permit animal crematories by special permit in zoning districts R-F, C-2, C-3 and C-4; and will permit crematories by special permit in zoning districts C-2, C-3 and C-4.

PRIOR COUNCIL ACTION:

None

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION (recommendations were pending on prior memo):

The DCC and BZAC recommended approval of this ordinance, the CPC recommended approval of a revised ordinance that will permit the animal crematories by special permit in zoning districts R-F, C-3 & C-4 (not C-2); and will permit crematories by special permit in zoning districts C-3 & C-4 (not C-2).

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: George Sarmiento, AICP

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

AN ORDINANCE AMENDING TITLE 20 (ZONING) OF THE EL PASO MUNICIPAL CODE, BY ADDING A DEFINED USE AT SECTION 20.02.078 (ANIMAL CREMATORY) AND AMENDING SECTIONS 20.10.040, 20.38.040, 20.40.040 & 20.42.040 (USES PERMITTED BY SPECIAL PERMIT) TO PROVIDE THAT SUCH USE BE PERMITTED BY SPECIAL PERMIT IN R-F, C-2, C-3 AND C-4 ZONING DISTRICT CLASSIFICATIONS; AND BY ADDING A DEFINED USE AT SECTION 20.02.258 (CREMATORY) AND AMENDING SECTIONS 20.38.040, 20.40.040 & 20.42.040 (USES PERMITTED BY SPECIAL PERMIT) TO PROVIDE THAT SUCH USE BE PERMITTED BY SPECIAL PERMIT IN C-2, C-3 AND C-4 ZONING DISTRICT CLASSIFICATIONS. THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE CITY OF EL PASO MUNICIPAL CODE.

WHEREAS, the zoning regulations of the City of El Paso have been established for the purpose of promoting the health, safety, morals and general welfare of its citizens; and

WHEREAS, the zoning regulations have been adopted in conformance with *The Plan for El Paso*; and

WHEREAS, The Plan for El Paso recommends that the City prevent incompatible zoning; and

WHEREAS, there is concern that clarity within Title 20 is needed to ensure that crematories are properly zoned as to prevent incompatible zoning; and

WHEREAS, the Development Coordinating Committee and City Plan Commission recommend approval of the proposed changes; and

WHEREAS, the El Paso City Council finds that the proposed amendments as herein provided will have a positive impact upon the public health, safety, morals, and general welfare of the City, and that the zoning regulations as amended will carry out the purpose and spirit of the policies expressed in *The Plan for El Paso*,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That Chapter 20.02 (General Provisions and Definitions), Section 20.02.078 is hereby added to state as follows:

20.02.078

“Animal crematory means a structure containing a furnace used or intended to be used for the cremation, or reducing to ashes, of animal remains.”

2. That Chapter 20.10 (Ranch and Farm District), Section 20.10.040 (Uses Permitted by Special Permit) be amended by adding the following use:

“Animal Crematory”

3. That Chapter 20.38 (C-2 Commercial District), Section 20.38.040 (Uses Permitted by Special Permit) be amended by adding the following use:

“Animal Crematory”

4. That Chapter 20.40 (C-3 Commercial District), Section 20.40.040 (Uses Permitted by Special Permit) be amended by adding the following use:

“Animal Crematory”

5. That Chapter 20.42 (C-4 Commercial District), Section 20.42.040 (Uses Permitted by Special Permit) be amended by adding the following use:

“Animal Crematory”

6. That Chapter 20.02 (General Provisions and Definitions), Section 20.02.258 is hereby added to state as follows:

20.02.258

“Crematory means a structure containing a furnace used or intended to be used for the cremation, or reducing to ashes, of human remains.”

7. That Chapter 20.38 (C-2 Commercial District), Section 20.38.040 (Uses Permitted by Special Permit) be amended by adding the following use:

“Crematory”

8. That Chapter 20.40 (C-3 Commercial District), Section 20.40.040 (Uses Permitted by Special Permit) be amended by adding the following use:

“Crematory”

9. That Chapter 20.42 (C-4 Commercial District), Section 20.42.040 (Uses Permitted by Special Permit) be amended by adding the following use:

“Crematory”

APPROVED this _____ day of _____, 2005.

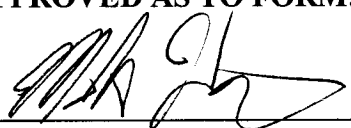
THE CITY OF EL PASO, TEXAS

ATTEST:

Joe Wardy
Mayor

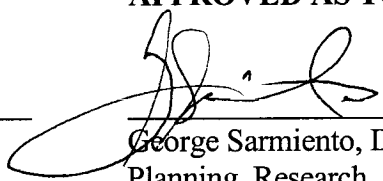
Richarda Duffy Momsen,
Municipal Clerk

APPROVED AS TO FORM:



Matt Watson
Assistant City Attorney

APPROVED AS TO CONTENT:



George Sarmiento, Director of
Planning, Research, & Development